

REMARKS

Claims 1-4, 6-14 and 16-23 remain in this application. Claims 1-4, 6-14 and 16-23 are rejected. Claims 5 and 15 are previously cancelled. Claim 1 is amended herein to clarify the invention.

The applicants and applicants' attorney appreciate the Examiner's granting of the telephone interview conducted on November 12, 2004, and extend their thanks to the Examiner for his time and consideration. During the interview, agreement was reached that, unlike the claimed invention in which CHF₃ is initially substantially absent from the processing gas according to the method, Abraham et al. instead teaches that the first chemistry (as shown in Table 1 of the reference) contains CHF₃ in an active concentration of at least 3%. It was noted that Table 2, in which CHF₃ is not mentioned, is directed to the second chemistry (see upper left hand corner of the table), and therefore, even if argued as absent from the processing gas according to Table 2, the disclosure of Abraham et al. is entirely different from the claimed method, in which CHF₃ is only present in a meaningful amount when added to a processing gas in which CHF₃ is initially substantially absent during a preceding processing step.

In reaching agreement regarding the substantive differences, the Examiner suggested, however, that the claim language be clarified to highlight this feature discussed above. In particular, it was suggested by the Examiner that claim 1 be

amended to include the recitation directed to the substantial absence of CHF₃ earlier in the claim. The claim has been so amended, as will be discussed in further detail below in remarks addressing the rejections. It is noted that, since the substance of the claim is not changed by this alteration, the Examiner indicated during the interview that he did not believe that the amendment to claim 1 would raise new issues resulting in a refusal to enter this amendment after final rejection.

Applicants herein traverse and respectfully request reconsideration of the rejection of the claims cited in the above-referenced Office Action.

Claims 1-3 (and presumably also claims 4, 6, 14 and 16) are rejected under 35 U.S.C. §102(b) as being anticipated by the Abraham et al. reference (US 5,883,007). Applicants herein respectfully traverse this rejection.

As discussed above, agreement was reached that the substantial absence of CHF₃ from the processing gas used in the initial processing steps overcomes the anticipation rejection, since Abraham et al. teaches that all of the disclosed gas mixtures constituting the first chemistry contain CHF₃ (see Table 1 and col. 3, lines 51-55). Independent claim 1 is amended, as requested by the Examiner during the interview for purposes of clarification, to recite that CHF₃ is substantially absent from the processing gas at a point in the claim where the processing gas is introduced, rather than at the end of the claim, as previously recited.

As such, claim 1 particularly describes and distinctly claims at least one element not disclosed in the cited reference. Claims 2-4, 6, 14 and 16 depend from

claim 1, and therefore also contain the feature which has been agreed to as lacking in Abraham et al.. Therefore, reconsideration of the rejection of claims 1-4, 6, 14 and 16 and their allowance are respectfully requested.

Claims 7-13 and 17-23 are rejected under 35 U.S.C. §103(a) as obvious over the Abraham et al. reference. Applicants herein respectfully traverse this rejection.

It is respectfully submitted that the Abraham et al. reference cannot render the rejected claims obvious because the reference does not provide the teaching noted above with respect to the anticipation rejection of claim 1, from which the rejected claims depend. Thus, the reference fails to teach or suggest all the claim limitations, as properly required for establishing a *prima facie* case of obviousness. Therefore, reconsideration of the rejection of claims 7-11, 13 and 17-23 and their allowance are respectfully requested.

Applicants respectfully request one (1) month extension of time for responding to the Office Action. Please charge the fee of \$110 for the extension of time to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,
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